13 April 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Legislation to Require Disclosure to Congress and the Public

PROBLEM

1. Several bills have been submitted in Congress to require the disclosure of information to the Congress and the public. Congressional requests are to be met notwithstanding classification and in requests from the public, material exempted on the grounds of classification is subject to court review. The bills would include all classified information regardless of sensitivity (including sources and methods).

DISCUSSION

2. One group of bills would amend the Freedom of Information Act and overrule the court decision in the case of Representative Patsy Mink, which denied court review of classified material exempt under the act. These bills are as follows:

S. 1142 - Senator Muskie
H. R. 4960 - Representative Horton
H. R. 5425 - Representative Moorhead

H. R. 4938, introduced by Representative Erlenborn, would require disclosure to Congress unless executive privilege is invoked and this is defined as "policy recommendations." H. R. 5425 requires an agency to furnish any information to a committee of Congress upon request.

3. S.J. Res 72, introduced by Senator Ervin, provides that if an officer or employee of an agency refuses to furnish information to a congressional committee for any reason (including executive privilege with which the Congress disagrees), then the Congress may determine whatever action it deems necessary.

4. S. 858, introduced by Senator Fulbright, amending Title 5 (not Freedom of Information Act), provides that if an agency denies information to Congress and the President does not invoke executive privilege, then that agency's funds will be cut off until the information is provided.

5. Intelligence estimates may be covered under executive privilege if the President were to extend this coverage, but this is open to legal debate. Further, the countless lesser intelligence reports, encyclopedic, analytic and operational, would not be included in this blanket protection. The only other grounds for denial would be the Director's statutory responsibility to protect intelligence sources and methods from unauthorized disclosure. This again is a matter of legal determination.

6. The chances of Congress passing some form of bill appear good especially if the debate gets hotter forcing the Congress to take a firm stand. Recognizing that the bills are highly political and a result of the executive-legislative power struggle, it is very likely that the President may not compromise the issue and veto the bills if passed. Knowledge of the White House position would be most important to determine Agency strategy. A discussion of the bills at a LIG meeting would hopefully surface this position. If the Director must protect his responsibility, he should speak as head of the intelligence community and coordinate the matter through the USIB.

STATUS OF BILLS

7. Hearings have been held on H.R. 4938 by the Subcommittee on Foreign Operations and Government Information of the House Government Operations Committee.

8. Hearings have begun on S. 1142, S.J. Res 72 and S. 858 jointly before Subcommittees of the Senate Judiciary and Government Operations Committees

COURSE OF ACTION

A. Seek legal judgment from OGC as to effect upon Director's statutory responsibility.

B. Suggest the bills for discussion at a LIG meeting to determine White House position and Executive strategy.

C. Suggest that the Director present this matter to the USIB for a coordinated USIB position if the community is considered to be seriously affected.

[redacted]

STATINTL

Assistant Legislative Counsel

political questions of that crucial time were focused in this community by John Brown.

Many of the dilemmas faced not only then but now can be more fully understood, if not solved, by a study of the history of this area.

There is, therefore, a historical heritage here, a heritage that we recognized must be preserved as an important part of the American past. Harpers Ferry not only has much to tell about the maturation of the American nation, but from it we may partly learn how to cope with contemporary problems.

We owe much to the people within the National Park Service for the skillful, sensitive and enthusiastic manner in which they have approached the preservation of Harpers Ferry.

But Harpers Ferry is not an isolated memorial to the events that took place here in the past, regardless of the impact they had on the course of history. Harpers Ferry today is a living park. It is a historical community but it is one in which people live and labor in the 20th Century. It is also a training center for the National Park Service personnel who go from here to many parts of the country. Harpers Ferry also is centrally located in an area of great historic significance and scenic beauty. To the south and to the West, in our State, are two of our great national forests. There are also numerous other areas which have played roles in the development of our country.

Abraham Lincoln said, "we cannot escape history." Fortunately, Harpers Ferry does not desire to escape its past. That past is the basis for the future of this community; a future dedicated not only to teaching our American heritage, but to providing a place for Americans to escape from the routines of every-day life.

Hundreds of thousands of work-weary people will exchange at Harpers Ferry this year, their tedious tasks for an exhilarating visit here to refresh their physical bodies and renew lagging spirits. Following their sojourn here, they will return to their homes, a host of happy travelers with minds and souls restored.

With the support of the National Park Service and with the leadership of citizens like Bradley Nash, we are assured that Harpers Ferry has a future filled, with not only promise, but the realization of a better life.

ELIMINATING POVERTY BY REDEFINITION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1973

Mr. RANGEL. Mr. Speaker, the Nixon administration is presently involved in an effort to eliminate poverty, not by attacking its root causes, but by merely changing its definition.

Apparently, the present defintion of what constitutes poverty will be modified by including in a family's total annual income all the noncash benefits they receive, such as food stamps, medicaid, and so forth.

By doing this, millions of people will suddenly be pushed above the income level now used to define poverty—$4,137 a year for a family of four.

The advantages that would be gained from this procedure are fairly obvious. The Nixon administration would like to be able to produce figures that demonstrate that the number of poor people in this country has dropped to a record low during the last 4 years.

The fallacy involved in defining poverty in this manner is pointed out in the following editorial that appeared in the Washington Evening Star. If noncash income is going to be counted as income for lower income Americans, then it should also be counted for middle- and upper-class Americans as well. If this was done, the administration would find the results to be quite embarrassing.

Poverty cannot be eliminated by redefinition—it can only be hidden by statistics to serve the interests of the Nixon administration.

The editorial follows:

JUGGLING POVERTY FIGURES

The federal definition of poverty, and the dollar statistics accompanying that definition, have never really been satisfactory. For one thing, they depend on rather arbitrary lines of demarcation. Today's official poverty definition applies to a family of four, not living on a farm, with an annual cash income of less than $4,137. It invites the question: Is the family with a $4,138 income not poor?

More is involved that than. As the Sixties progressed with sustained prosperity, the number of people classed as in poverty declined substantially, from nearly 40 million to 25 million. The decline might have been more dramatic, because the Sixties also saw the creation of a maze of federal subsidies for the poor, from food stamps and medicaid to manpower training and housing assistance. But these are non-cash subsidies, the Census Bureau only counts cash income in adding up the poor.

Now the word is out that the Nixon administration, through an interagency team, is quietly examining ways to recompute the income figures used to define poverty. No doubt the recomputations will include non-cash income, with the result that several million more people will magically disappear from the poverty category.

Besides making everybody feel good at the White House, this analytical departure makes a certain amount of sense. As shown by a recent Congressional study of welfare disparities, there are plenty of families getting about $3,000 in cash each year and the equivalent of several thousand dollars more in multiple non-cash benefits. It seems strange to count these families as poor while exempting a $4,500 a year family that doesn't qaulify for other programs.

But there is another side to all this. As pointed out by Mollie Orshansky, HEW's redoubtable expert on the statistics of poverty, we have a huge middle and upper-middle class in this country, many of whom benefit enormously from non-cash income. Start with the expense account. Move on to company-paid health insurance, pension premiums, vacations and continuing-education plans. And then to commodity discounts many employees enjoy, and all the on-base privileges and subsidies handed to the military.

To be consistent, the Census Bureau would have to count non-cash income for all Americans. If it were ever done, it might well show an even wider gap than now appears to exist between America's high, middle and low-income groups. And that wouldn't make the White House happy at all.

FREEDOM OF INFORMATION

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1973

Mr. MOSS. Mr. Speaker, on April 12, our colleague the gentleman from Pennsylvania (Mr. MOORHEAD) testified before a joint hearing by three Senate subcommittees on needed amendments to the Freedom of Information Act.

I commend the remarks to all Members of the House of Representatives and urge that they give unanimous support to this effort to improve one of the most important laws of the United States.

The text of the testimony follows:

FREEDOM OF INFORMATION

(Statement of the Hon. William S. Moorhead, Chairman, Foreign Operations and Government Information Subcommittee of the House of Representatives Before the Subcommittee of Administrative Practice and Procedure of the Senate Committee on the Judiciary Jointly with the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary and the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations in support of S. 1142 and H.R. 5425 to Amend the Freedom of Information Act)

Mr. Chairman, I greatly appreciate the opportunity to testify at this joint meeting of these important subcommittees today on a subject which is central to the basic concept of democracy. At no time in recent years has the problem of government secrecy so pervaded our political process. The tug-and-pull between the Executive and Legislative branches which is built into our system serves a useful function if normal checks and balances are operational and unimpaired.

No matter what political party is in control, the free flow of information necessary in a democratic society is not an issue of political partisanship. Administrations have historically abused their power to control public and Congressional access to the facts of government. Administrations of both parties have claimed some form of an "executive privilege" to hide information. The conflict is not on partisan political grounds but on Constitutional grounds between the legislative and executive branches of government. An indication of this is the fact that eight Republican members of our committee have cosponsored legislation to limit or restrict the use of "executive privilege."

But this administration has reversed the trend away from the most blatant abuses of "executive privilege". This administration has turned our system of government backward, back down the path which leads to an all powerful political leader—call him president, dictator or king—who arrogates unto himself the right to know and against the elected representatives of the people whether in a Parliament or a Congress.

A recent Congressional Research Service study made for the House Foreign Operations and Government Information Subcommittee points out that the growth of the claim of "executive privilege" to hide the facts of government really began in 1954 during the Eisenhower Administration. I would like to submit a copy of this study for your record.

Congressman John E. Moss, the former chairman of my subcommittee, was responsible for convincing three presidents to limtit the use of "executive privilege" to a personal claim of power, and the claim was used sparingly against the Congress by Presidents Kennedy and Johnson.

The CRS study reveals that President Nixon has, thus far, set an all-time record in utilizing the dubious doctrine of "executive privilege". It also shows that, despite his written assurance to our subcommittee in April, 1969 that he would adopt the same Kennedy-Johnson groundrules limiting its use, such rules have been violated by Administration subordinates at least 15 times.

I have always felt that, while the Executive has no inherent right to withhold anything from the Congress, a spirit of comity and recognition of the need for certain con-

fidences and privacy between the branches has led the Congress to recognize privileged communications between the President and his closest advisors. This is the way it should be—but only if this spirit of cooperation is not abused by either branch.

Unfortunately, the present Administration has built a stone wall between itself and the Congress. This wall, much like the one in Berlin, has grown stone by stone until on March 12, 1973, Mr. Nixon capped it off with an amazing "blanket privilege" proclamation, extending to the entire Executive branch. As I understand the new theory, it applies to all past, present, and future White House aides who might be summoned to testify before Congressional committees. Thus, if a President wanted to keep secret the number of roses in the White House garden in the interests of national security, under the Nixon claim, he could invoke the privilege on behalf of his close "personal advisor", the White House gardener, and, according to a Justice Department witness before my subcommittee, this decision would not be subject to review by Congress or court. Such White House policies and claims are as ridiculous as their claims that "Executive privilege" is an historical doctrine that dates back 200 years.

Mr. Chairman, before turning to a discussion of freedom of information matters, I must comment on the amazingly arrogant performance by the Attorney General before this panel on Tuesday and on his exposition of the Administration's doctrine of the "divine right" of the Presidency. I submit that this is a doctrine of monarchial origin at best, or at worst, a totalitarian dogma espoused by "banana-Republic" dictatorships.

Our system of government places the ultimate power in the hands of the people. Congress is the people's representative in the exercise of that power for the public good. All of us have been elected by our constituencies and have taken an oath to carry out that solemn obligation. Unless they have changed the law school curriculum since my day, ours is still a government of laws, not men. I never thought the day would come when any Attorney General of the United States could have the audacity to proclaim that, in effect, Congress had no power to order any employee of the Executive branch to appear and testify before Congress if the President—in his almighty wisdom—barred such testimony.

Only two persons—the President and Vice President—of the millions who make up the vast bureaucracy of the Executive branch of our government are elected by the people of the United States. At that, they are elected indirectly through the Electoral College system and only once every four years. All other Executive branch officials are appointive—the result of Congressional action in the establishment and funding of Federal programs which they administer. This includes the countless number of faceless, politically-appointed bureaucrats as well as the faceless civil servants who exercise life-and-death power in administering Federal programs under authority delegated to the Executive by the Congress. They have always been and must always be responsible to Congress because they are the creatures of Congress—not the Executive. They are the servants of the people and the people's Representative—not their masters.

The Attorney General was the Administration spokesman chosen to assert the "divine right" of the Presidency. As we all recall, it was not too many months ago that many in this body raised serious questions during the hearings on his nomination concerning his qualifications for the office. It is ironic, in view of the sweeping claims he has enunciated here, that it was only after the President "permitted" his assistant, Mr. Peter Flanigan, to appear before the Judiciary Committee to discuss the Administration's handling of the ITT anti-trust case that the log-jam was broken and the Attorney General's nomination was finally cleared for floor action. If the "divine right" doctrine had been in effect last year, it might be that someone else might be warming the seat of the Attorney General's chair today.

As the chairman of an investigating subcommittee of the House Government Operations Committee, I submit that it is absolutely essential for the Congress to have full access to all information and all Executive branch employees if we are to be able to perform our vital role as a "watch-dog" (with teeth) to make certain that the Representatives of the people are able to carry out our oversight duties as well as to perform our legislative functions required under the Constitution.

While the thrust of these hearings is the right of Congress to receive information from the Executive, I am most pleased that this panel is also considering the public's "right to know" what its government is doing. In this regard, I wish to now turn to a discussion of S. 1142 and H.R. 5425, amendments to the Freedom of Information Act, which I have sponsored in the House with some 42 other Members of both parties and which the chairmen of these three Senate subcommittees and other distinguished Senators are sponsoring over here.

Just above seven years ago, the Congress passed the Freedom of Information Act. In many ways this is an historic piece of legislation, because for the first time it was legally recognized that Government information is public information available to everybody without the need to show a special interest or need to know. This was a unique legislative proposition which, as far as I know, is not yet recognized anywhere else in the Western world. It is my understanding that Canada, Australia, and some Western European countries are now closely studying our Freedom of Information Act.

While the Freedom of Information Act presumed the public availability of *all* government information, it also recognized that some information must necessarily be withheld from the general public because its release could truly damage the national defense or foreign policy, or because release of the information could compromise individual privacy, abridge a property right, inhibit a law enforcement investigation, or seriously impede the orderly functioning of a government agency. In order to provide the fullest possible access to public records, however, the Congress clearly put the burden on the government to prove the necessity for withholding a document and clearly indicated that an exemption from public release of a document was permissive and not mandatory.

Some five years after the effective date of this act, the House Foreign Operations and Government Information Subcommittee held comprehensive investigatory hearings on the administration of the Freedom of Information Act. Our fourteen days of hearings and other investigative work showed conclusively that the administration of the Freedom of Information Act by the Executive branch fell seriously below the standard expected by the public and the Congress. The major problem areas fell into the following categories:

(1) the Executives's refusal to supply information by use of the exemptions in the Act was the rule rather than the exception;

(2) long delays in responding to requests often made the information useless once provided;

(3) delaying tactics during litigation extended both the time and the costs to the individual citizen beyond reason; and

(4) lack of technical compliance with the requirements of the Act, as interpreted by the agency, often led to a refusal to supply requested information.

In sum, Mr. Chairman, the Congress mandated that the Government supply all requested information to the public except within certain limited areas of permissive exemption. The Executive branch has generally rejected this basic mandate and, instead, has relied in large part on bureaucratic subterfuge to defeat the purposes of the Act.

I should state, however, that the picture is not all black. The Government Operations report of last September (H. Rept. 92–1419), based on our hearings, recommended a number of remedial administrative reforms. I am pleased to note that many agencies have already adopted some of them. However, administrative reforms within the agencies are not enough. Experience with the Freedom of Information Act shows the need for substantive amendments to the Act itself to strengthen and clarify its provisions. They are contained in the legislation now before the subcommittee.

SECTION-BY-SECTION ANALYSIS OF S. 1142 AND H.R. 5425

Mr. Chairman, let me now turn to a discussion of the major provisions of this measure—S. 1142 and H.R. 5425.

Section 1 (a) provides that agencies must take the affirmative action of publishing and distributing their opinions made in the adjudication of cases, their policy statements and interpretations adopted, and the administrative staff manuals and instructions which are available to the public. The present requirement that this information be made available for inspection and copying has not been adequate inducement to most agencies to actually make this information available in useful form.

Section 1(b) provides that agencies will be required to respond to requests for records which "reasonably describes such records." This substitutes for the present term "identifiable records" which some agencies have interpreted as requiring specific identification by title or file number—generally unavailable to the person making the request. I feel that any request describing the material in a manner that a government official familiar with the area could understand is sufficient criteria for identification purposes.

Section 1(c) provides for a specific time period for agency action on freedom of information requests. The present act contains no such time limits for the government to respond. The hearings showed that many requests went unanswered for periods of thirty days to six months. This new section will require the agency to respond to original requests within 10 working days and appeals of denials within 20 working days. These time periods are based on portions of Recommendation No. 24, issued by the Administrative Conference of the United States after a study of the Act in 1971. Under our proposed new section the agency is not required to actually forward the information within the ten-day period, for we recognize that in many cases the requested information may legitimately take more time to obtain from regional offices. However, the agency will be required to respond within ten days—either by making the information available or indicating whether or not the information will be made available as of a certain date; if the determination is that it cannot be provided, the agency response must state the specific reasons. Administrative appeals must be acted upon within the twenty-day limit. Two agencies, the Departments of Health, Education, and Welfare and Justice, have already amended their regulations to require responses within the ten-day period, as recommended. I feel that other agencies will not be burdened by such a statutory requirement.

Section 1 (d) clarifies the present requirement that the District courts examine contested information *de novo*, by requiring that

in *all* cases the *de novo* examination include an examination of the content of the records *in camera* to determine if the records must be withheld under the exemption or exemptions claimed by the agency. A second requirement specifically directed to the present section 552 (b) (1) of the Act directs the courts to look into the contents of documents considered exempt for reasons of national defense or foreign policy in order to determine if the contested documents should, in fact, be withheld under this exemption. This new section is made necessary by the Supreme Court decision in *EPA* v. *Mink* (410 U.S. ——) decided on January 22, 1973. In this case the Court held that judges may not examine *in camera* classified documents and thus exempt under section 552 (b) (1) and need not, at their discretion, examine the contents of documents claimed exempt under section 552 (b) (5).

The import of this decision is to allow the government to claim, merely by affidavit, that certain material is exempt from the public. This would effectively destroy the judicial oversight so necessary to the adequate functioning of the Freedom of Information Act. Original sponsors of the freedom of information legislation have always felt that the *de novo* requirement in the Act required a true examination of the records by the courts. This amendment will clearly spell out that original Congressional intent and requirement.

It has been argued that this requirement might put an excessive burden on the courts if they are forced to examine each contested document. I do not think this is the case. During five years of litigation under the Act, the District courts have evidenced no problems in examining the contested documents claimed exempt by Federal agencies under sections 552(b) (2) through (9). While there has been a reluctance to examine in camera those documents classified for alleged "national security" reasons, I do not feel that the requirement of judicial examination will place any unnecessary burden on the courts. As many of us in the Congress realize, the security classification system is a nightmare of inconsistency, over-classification and over-protection of many documents which, if made available to the public, would only expose official incompetence rather than official secrets. If the Freedom of Information Act is to achieve its desperately needed level of effectiveness, the judgments of the Federal agencies must be subject to meaningful oversight both by Congress and the courts.

Section 1(c) deals with foot-dragging by Federal agencies in freedom of information litigation. The problems encountered by administrative delays in response to requests has been compounded by delaying tactics during litigation. Under the Federal Rules of Civil Procedure the government is allowed 60 days to respond to complaints. However, a study made for our hearings of cases filed in the U.S. District Court for the District of Columbia showed that, in 20 out of 31 cases, the first responsive motion by the government was not filed even within the 60-day limitation, one case taking 137 days for the government to respond. Theoretically, the government should be able to respond to a complaint in very short time, for it should be assumed that if the administrative appeal denial was properly made, the defendant agency had already fully researched the law and developed a sound case for the denial.

Under a 1969 memorandum of the Attorney General, all administrative denials which could result in litigation, in the opinion of the agency, must be discussed with the Office of Legal Counsel of the Department of Justice—prior to issuing the final denial. Thus, both the agency and the Department of Justice should be ready to defend an action by the time the administrative process is completed. For this reason, this legislation would require the government to respond to complaints within 20 days—the same time allotted private parties under the Federal Rules of Civil Procedure. The amendment would also allow the courts to award costs and attorneys' fees to successful private litigants. One of the bars to litigation under the Act is the high cost of carrying through a Federal court suit. There is ample precedent in civil rights cases for the award of costs and fees to prevailing parties, and I feel that this authority in the hands of the court would clearly be in the public interest.

As I have previously stated, Mr. Chairman, the tactics often employed to defeat the purposes of the Freedom of Information Act include delay, unreasonable fees, and unreasonable identification requirements under subsection (a) of the present act as well as overly restrictive and often incorrect interpretations of the exemption provisions in subsection (b) of the Act.

We are hopeful that the amendments to subsection (a) of the Act will correct most of the procedural abuses. The amendments to subsection (b) which I will now discuss are designed to clarify the original intent of the Act by limiting, as much as possible, the types of information which can properly be withheld by Federal agencies.

ANALYSIS OF SECTION 2

Section 2(a) of S. 1142 & H.R. 5425 amends present subsection (b) (2) by clarifying the original intent of Congress that only internal personnel rules and internal personnel practices are exempt from mandatory disclosure. Some agencies have interpreted the current language as exempting internal personnel rules and all agency practices. A new provision has also been added which further restricts the scope of the exemption by exempting only those internal personnel rules and internal personnel practices, the disclosure of which would "unduly impede the functioning of such agency." This additional language will further restrict the types of information that can be claimed by an agency as being exempt from disclosure.

Section 2(b) of the bill amends present subsection (b) (4) by clarifying the present vague language in the Act. Under the proposed new language, the exemption would apply only to trade secrets which are "privileged and confidential" and financial information which is "privileged and confidential." The present section in the Act has been interpreted by the Department of Justice to exempt information which may be considered trade secrets, confidential financial information, other types of nonconfidential financial information, and other information neither confidential nor financial but which was obtained from a person and considered "privileged."

Section 2(c) of the bill amends present section (b) (6) by limiting its application to medical and personnel "records" instead of "files" as in the present Act. This will close another loophole we have noted in our studies whereby releaseable information is often co-mingled with confidential information in a single "file" and therefore all information contained in that "file" has been withheld.

Section 2 (d) of the measure amends present section (b) (7) of the Act by substituting "records" for "files" as in the prior amendment. The new section would also narrow the exemption to require that such records be compiled for a "specific law enforcement purpose, the disclosure of which is not in the public interest." It also enumerates certain categories of information that cannot be withheld under this exemption such as scientific reports, test, or data; inspection reports relating to health, safety or environmental protection, or records serving as a basis for a public policy statement of an agency, officer or employee of the United States, or which serve as a basis for rule-making by an agency.

The present investigatory file exemption is often used as a "catch-all" exemption by some Federal agencies to exempt information which may otherwise be available for public inspection, but which is held within a "file" considered to be investigatory. The new language will protect that information necessary to be kept confidential for legitimate investigatory purposes, while requiring the release of that information which, in itself, has no investigatory status other than its inclusion within a so-called investigatory file.

Subsection (c) of the present Act would also be strengthened by language in S. 1142 and H.R. 5425. The present section merely states that ". . . This section is not authority to withhold information from Congress." Additional language has been added in these amendments to clarify the position that Congress, upon written request to an agency, be furnished all information or records by the Executive that is necessary for Congress to carry out its functions.

Finally, a new subsection (d) would be added to the present Act. Section 4 of the bill establishes a mechanism for Congressional oversight of the Freedom of Information Act by requiring annual reports from each agency on their record of administration of the Act, requiring the submission of certain types of statistical data, changes in regulations, and other information by Federal agencies that will indicate the quality of administration of their information programs.

Mr. Chairman, I am convinced that these amendments can help reverse the dangerous trend toward "closed government" that threatens our free press, our free society, and the efficient operation of hundreds of important programs enacted and funded by Congress. It will help restore the confidence of the American people in their government and its elected leadership by removing the veil of unnecessary secrecy that shrouds vast amounts of government policy and action.

We must eliminate, to the maximum extent possible, government preoccupation with secrecy because it cripples the degree of participation of our citizens in governmental affairs that is so essential under our political system. Government secrecy is the enemy of democracy. Secrecy subverts, and will eventually destroy any representative system.

The enactment of this legislation in this Congress will make it far more difficult for the Federal bureaucrat to withhold vital information from the Congress and the public.

NEWSMEN, NOT GOVERNMENT, LIFTED THE WATERGATE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1973

Mr. THOMPSON of New Jersey. Mr. Speaker, we have all been astonished and dismayed at that series of events which have collectively become to be known as the Watergate scandal. I have refrained from making any public commentary on these events in the knowledge that the facts are being brought to light by some of the most distinguished investigative reporting we have witnessed in modern times.